

February 28, 2003

Randy Smith  
Water Quality Director  
1200 Sixth Avenue  
Seattle, WA 98101

Re: Columbia Mainstem TMDLs and BiOP Water Quality Plan

Dear Mr. Smith,

I would like to bring up an issue that I think needs to be resolved about the scope of the various discussions we are having on Temperature issues on the Snake and Columbia Rivers. I hope this will help us speed the various processes along because I am starting to find it difficult to keep separate all the various BiOp and TMDL planning efforts and which items should be a part of each of these discussions. Idaho has been participating in the development of the following plans or implementation efforts.

1. The Water Quality Plan implementing Appendix B of the 2000 BiOP on operations of the four Lower Snake dams.
2. The Columbia Mainstem TMDL being developed to address water quality standards violations under the Clean Water Act.
3. The development of an implementation plan to attain the goals of the Columbia Mainstem Temperature TMDL for all sources, including dams/impoundments
4. The development of the a TMDL for the Hells Canyon Complex. (Implementation Plan will follow).

While these efforts share common ground, Idaho does not view them as one in the same and based on differing lead entities and regulatory approaches. It seems to me that we need to have a common understanding of which forum should be used for the various discussions. While there will certainly be overlap in the discussion at the meetings it seems we should agree on which issues should be covered in the various documents. Idaho is supportive of the following approach.

**1. The Water Quality Plan implementing Appendix B of the 2000 BiOP on operations of the four Lower Snake dams.**

The Water Quality Plan is broader in scope than the Columbia Mainstem TMDL both geographically and in being able to address issues that go beyond water quality, such as fish passage. At the same time the Water Quality plan is narrower in scope in that it only targets federal action agencies, whereas the TMDL must consider all contributors to water quality, particularly point sources and private entities. We believe the WQ Plan is a good forum for discussing far-reaching alternatives to aid salmon recovery, even those where feasibility is yet unknown.

Idaho's has concerns about some of the measures being discussed like additional draw down of Dworshak, however, it seems this is the best "big picture" forum in which to have broad reaching discussions.

**2. The Columbia Mainstem TMDL being developed to allocate loads that will meet water quality standards under the Clean Water Act.**

The discussions regarding the TMDL seem to be progressing in a healthy fashion and I am hopeful that this document will be out to public comment soon.

**3. The development of an implementation plan to attain the goals of the Columbia Mainstem Temperature TMDL.**

This effort is still very young. However, I do feel that a TMDL implementation plan is not the place to specify measures that go beyond those necessary to meet water quality standards. Measures like fish passage or hatchery modifications, should really be discussed at the BiOp level.

I am concerned that we are discussing implementation measures that will occur outside the boundaries of the identified segment of the TMDL. While improvement might be made by actions taken outside the boundaries we should not rely on them for implementation planning purposes. Issues like the operation of Hells Canyon should be identified at the BiOp Level to get the "columbia basin picture", but then discussed in the individual TMDL's covering that specific segment. For example Brownlee should be discussed in the Hells Canyon TMDL not in the Columbia River TMDL. We do need to develop language to specify the linkage between downstream and upstream TMDLs, but the discussion of specific implementation measures to meet downstream standards logically occurs in the TMDL covering that segment. Trading of pollutant loads between TMDLs is a discussion that could be had once individual TMDLs are set.

~~We should also discuss how, or if, it is appropriate to link the operation of Dworshak to the lower Columbia River TMDL. It is not clear to me that we should cover this in the actual TMDL, but I do recognize that this discussion will take place. The operation of Dworshak Dam is not part of any temperature TMDL and the U.S. Army Corp of Engineers and State of Idaho need to discuss whether or not the proper linkage to Columbia Mainstem TMDL planning is in the implementation plan for that TMDL or another operations plan.~~

**4. The development of a TMDL and Implementation Plan for the Hells Canyon Complex.**

Discussion of operational or structural modifications of Hells Canyon complex of dams to meet water quality standards will occur in the Hells Canyon TMDL Implementation Planning effort lead by Idaho and Oregon. While it may be possible to modify or operate the Hells Canyon Complex in a way to provide extra cool water so as to cool reaches further downstream, i.e. similar to Dworshak, this would go beyond Clean Water Act requirements. We have no authority to bind the Hells Canyon Complex to offset the heat load of dams or sources of heat owned and operated by others. We may be able to use free market forces to cause such a result, but that is a discussion outside of TMDL Implementation.

I was not really sure how to start this ball rolling, but did want to make Idaho's position on these matters clear.

Sincerely

Dave Mabe,  
Water Programs Administrator

Cc: Mary Lou Soscia, EPA; Mike White, ACOE; Mike Herold, WADOE; Russell Harding, ODEQ; Russ Strauch; NOAA Fisheries